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| COUNSEL/PARTIES OF RECORD |           |
| JUN 13 2019               |           |
| CLERK US DISTRICT COURT   |           |
| DISTRICT OF NEVADA        |           |

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ARMANDO NEVAREZ,

4 Plaintiff

BY: DEPUTY  
Case No. 3:16-ev-00676-MMD-CBC

5 v.  
6 ISIDRO BACA et al.,

7 Defendants

8 ORDER

9 This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a  
10 former state prisoner. In compliance with this Court's order, Plaintiff has submitted an  
11 application to proceed in district court without prepaying fees or costs following his release  
12 from prison. (ECF Nos. 34, 35). Based on the financial information provided, the Court  
13 grants Plaintiff leave to proceed without prepayment of fees or costs under 28 U.S.C.  
14 § 1915(a)(1).<sup>1</sup>

15 On July 5, 2018, the Court entered a screening order. (ECF No. 10). The  
16 screening order imposed a 90-day stay and the Court entered a subsequent order  
17 assigning the case to mediation by a court-appointed mediator. (ECF Nos. 10, 13). The  
18 Office of the Attorney General has filed a status report indicating that settlement was not  
19 reached and informing the Court of its intent to proceed with this action. (ECF No. 33).

20 **IT IS THEREFORE ORDERED** that:

21 1. Plaintiff's application to proceed in district court without prepaying fees or  
22 costs (ECF No. 35) is **GRANTED**.

23 2. Plaintiff is permitted to maintain this action to conclusion without the  
24 necessity of prepayment of any additional fees or costs or the giving of security therefor.  
25 This order granting leave to proceed in district court without prepaying fees or costs will  
26 not extend to the issuance and/or service of subpoenas at government expense.

27  
28 <sup>1</sup> Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is  
no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1           3. The Clerk of the Court will electronically **SERVE** a copy of this order and a  
2 copy of Plaintiff's first amended complaint (ECF No. 7) on the Office of the Attorney  
3 General of the State of Nevada, by adding the Attorney General of the State of Nevada  
4 to the docket sheet. This does not indicate acceptance of service.

5           4. Service must be perfected within ninety (90) days from the date of this order  
6 pursuant to Fed. R. Civ. P. 4(m).

7           5. Subject to the findings of the screening order (ECF No. 10), within **twenty-**  
8 **one (21)** days of the date of entry of this order, the Attorney General's Office will file a  
9 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it  
10 accepts service; (b) the names of the defendants for whom it does not accept service,  
11 and (c) the names of the defendants for whom it is filing the last-known-address  
12 information under seal. As to any of the named defendants for whom the Attorney  
13 General's Office cannot accept service, the Office will file, *under seal*, but will not serve  
14 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such  
15 information. If the last known address of the defendant(s) is a post office box, the Attorney  
16 General's Office will attempt to obtain and provide the last known physical address(es).

17          6. If service cannot be accepted for any of the named defendant(s), Plaintiff  
18 will file a motion identifying the unserved defendant(s), requesting issuance of a  
19 summons, and specifying a full name and address for the defendant(s). For the  
20 defendant(s) as to which the Attorney General has not provided last-known-address  
21 information, Plaintiff will provide the full name and address for the defendant(s).

22          7. If the Attorney General accepts service of process for any named  
23 defendant(s), such defendant(s) will file and serve an answer or other response to the  
24 first amended complaint (ECF No. 7) within **sixty (60)** days from the date of this order.

25          8. Henceforth, Plaintiff will serve upon defendant(s) or, if an appearance has  
26 been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other

1 document submitted for consideration by the Court. Plaintiff will include with the original  
2 document submitted for filing a certificate stating the date that a true and correct copy of  
3 the document was mailed or electronically filed to the defendants or counsel for the  
4 defendants. If counsel has entered a notice of appearance, Plaintiff will direct service to  
5 the individual attorney named in the notice of appearance, at the physical or electronic  
6 address stated therein. The Court may disregard any document received by a district  
7 judge or magistrate judge which has not been filed with the Clerk, and any document  
8 received by a district judge, magistrate judge, or the Clerk which fails to include a  
9 certificate showing proper service.

10 9. This case is no longer stayed.

11 DATED: 6/13/2019

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13 UNITED STATES MAGISTRATE JUDGE

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